

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENNY HUBBARD, #141527,

Petitioner,

Civil No: 07-CV-12635
Honorable George Caram Steeh
Magistrate Judge Steven D. Pepe

v.

PATRICIA CARUSO,

Respondent.

**ORDER FOR RESPONDENT TO COMPLY WITH THE COURT'S
MARCH 10, 2008 ORDER BY PRODUCING THE REFERENCED
MEDICAL RECORDS OR IN THE ALTERNATIVE SHOW
CAUSE FOR ITS NON-COMPLIANCE**

Pending before the Court are two motions filed by Petitioner requesting that certain medical documents be submitted to the Court in an effort to expand the record. On March 10, 2008, this Court entered an order addressing several motions filed by Petitioner:

IT IS ORDERED that Petitioner's "Motion to Am[]end, Expand Case [#07-12635]" [Doc. 6-1, filed August 1, 2007] is **GRANTED IN PART AND DENIED IN PART**. The portion of Petitioner's motion which moves to amend his habeas petition is DENIED. Petitioner's request to expand the record is GRANTED. Respondent shall produce all medical, psychological, psychiatric, therapeutic, and prescription records from the Forensic Center, G. Robert Cotton Correctional Facility and Chippewa Correctional Facility from March 24, 2004 until January 24, 2005 within forty-five (45) days.

IT IS FURTHER ORDERED that Petitioner's "Motion to Obtain Depositions" [Doc. 7-1, filed August 7, 2007] is **DENIED WITHOUT PREJUDICE**.

To date, Respondent has failed to produce the ordered medical records and has otherwise failed to inform the Court of a basis for its delay or inability to comply with the Court's Order.

Accordingly,

IT IS ORDERED that Respondent produce **FORTHWITH** all medical, psychological, psychiatric, therapeutic, and prescription records from: (1) The Center for Forensic Psychiatry; (2) G. Robert Cotton Correctional Facility; (3) Chippewa Correctional Facility; or (4) from any other facility where Petitioner's medical records from March 24, 2004 until January 24, 2005 may be located. Alternatively, **IT IS ORDERED** that Respondent show cause within fourteen (14) days why the above referenced records cannot be produced immediately.

IT IS FURTHER ORDERED that Petitioner's "Motion to Have Court Order Center for Forensic Psychiatry to Release Records Pursuant to Court's Order of March 10, 2008" [Dkt. # 16] is **GRANTED** to the extent that Respondent is being ordered to obtain and produce the medical records.

IT IS FURTHER ORDERED that Petitioner's follow-up motion requesting production of the above referenced medical records [Dkt. #17] is **GRANTED** to the extent that Respondent is being ordered to obtain and produce the medical documentation.

Dated: February 19, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 19, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk